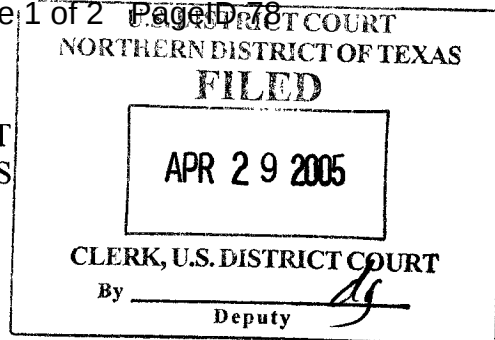


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



ROGER EUGENE GRESHAM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

§
§
§
§
§
§
§
§

Criminal Action No. 4:96-CR-036-A
(Civil Action No. 4:05-CV-0144-L)

ORDER

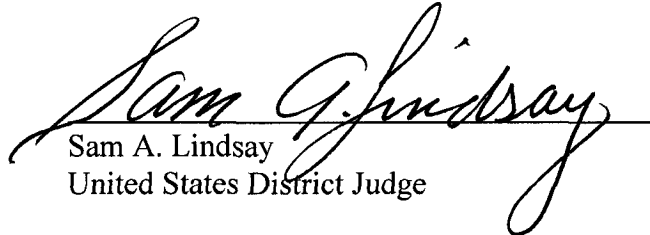
Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendations. On March 3, 2005, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") were filed, to which no objections have been made. Subsequently, on April 25, 2005, Petitioner filed his Motion to Withdraw requesting that the court allow him to withdraw his Petition for Writ of Habeas Corpus by a Person in Federal Custody - 28 U.S.C. § 2241.

After making an independent review of the pleadings, files and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the magistrate judge's findings and conclusions are correct. Accordingly, the court accepts the findings and conclusions of the magistrate judge as those of the court. For the reasons stated in the Report, Petitioner's Petition is **dismissed** for want of jurisdiction; however, this dismissal is **without prejudice** to Petitioner's right to file a motion for authorization to file a second or successive § 2255 petition in the Fifth Circuit Court of Appeals pursuant to 28 U.S.C. § 2244(b)(3)(A). *See In re Epps*, 127 F.3d

364, 364 (5th Cir. 1997) (setting out the requirements for filing a motion for authorization to file a successive habeas petition in the Fifth Circuit Court of Appeals). In light of the court's ruling,

Petitioner's Motion to Withdraw is **denied as moot**.

It is so ordered this 29th day of April, 2005.


Sam A. Lindsay
United States District Judge